

\* \* \* Bronchitis in its simple form, is an inflammation or irritation of the mucous membrane lining the air passages, manifested by hoarseness, cough, occasionally soreness in the chest. Whooping Cough is rather more violent and spasmodic than in ordinary colds, and not until ten to fourteen days does it assume the true distinctive form of whooping cough, with severe attacks of cough in rapid succession, followed by a deep inhalation or whoop, this disease, if uncured, will continue from six to twelve or even fourteen weeks. \* \* \* Cough Medicine \* \* \* Coughs \* \* \* Whooping Cough and affections of the Bronchial Tubes. In the treatment of Whooping Cough it appears to not only quickly relieve the severity of the attack of spasmodic coughing but to practically limit it in its incipency if given when the disease is just beginning;" (bottle, both sizes) "Cough and Whooping Cough Syrup \* \* \* For Coughs, \* \* \* Bronchitis, Whooping Cough, and Throat Troubles. \* \* \* Directions: \* \* \* A full dose is a teaspoonful with or without water, and as improvement progresses give less frequently [similar directions in foreign language]."

On November 27, 1931, James R. Angell, New Orleans, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$75, conditioned in part that it be relabeled, and should not be sold or disposed of contrary to the Federal food and drugs act, and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18943. Adulteration and misbranding of Ergotole. U. S. v. 18 Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26972. I. S. No. 38030. S. No. 5186.)**

Examination of the drug product Ergotole having shown that the article was represented to have the same potency as fluid extract of ergot, whereas it had a potency equivalent to not more than one-fifth of that required by the pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighteen 1-ounce bottles of the said Ergotole, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about May 26, 1931, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the potency of 1 cubic centimeter of the article was equivalent to not more than one-fifth of the potency for fluid extract of ergot required by the United States Pharmacopoeia.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, to wit, (circular) "Ergotole is biologically assayed by the cock's comb method and standardized to the same potency as the Fluidextract of Ergot," and the strength of the said article fell below such professed standard, in that its potency was less than so represented.

Misbranding was alleged for the reason that the statements appearing in the circular accompanying the article, "Ergotole is biologically assayed by the cock's comb method and standardized to the same potency as the Fluidextract of Ergot. The chief use for Ergotole is to excite uterine contraction and to check uterine hemorrhage. It is therefore indicated for use in the third stage of labor," were false and misleading when applied to an article the potency of which was less than that represented.

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18944. Misbranding of S. B. Kitchel's liniment. U. S. v. 4 Dozen 16-Ounce Bottles and 2 Dozen 32-Ounce Bottles of S. B. Kitchel's Liniment. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 27372. I. S. Nos. 37921, 37922. S. No. 5541.)**

Examination of a drug product, known as S. B. Kitchel's liniment, from the shipments herein described having shown that the bottle labels and accompanying circular bore statements representing that the article possessed curative and

therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four dozen 16-ounce bottles and two dozen 32-ounce bottles of S. B. Kitchel's liniment, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the S. B. Kitchel Co., from Coldwater, Mich., on or about March 2 and August 28, 1931, and had been transported from the State of Michigan into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonia (4 per cent), sodium and potassium carbonates (1 per cent), traces of iron sulphate and tannin, and water (approximately 95 per cent).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle labels) "For nervousness, exhaustion and sleeplessness \* \* \* For rheumatism, all aches and pains \* \* \* inflammations, etc., \* \* \* It will heal rapidly and will not swell up or be sore. \* \* \* For sore throat \* \* \* lameness, etc. \* \* \* For thrush \* \* \* For contracted feet \* \* \* For sore throat and thick glands \* \* \* for bad legs and lameness;" (circular) "One often prefers to endure affliction \* \* \* Kitchel's Liniment \* \* \* approaches \* \* \* a universal panacea \* \* \* 'We have used liniments, and medicated oils, salves and ointments, pain cures, pain killers and rheumatic remedies but never anything equal to Kitchel's Liniment.' \* \* \* For Rheumatism, Lameness, Stiff Joints, \* \* \* Lamé Back, Saltreum, \* \* \* Wounds, \* \* \* Toothache, \* \* \* Sore Throat, \* \* \* Itch, Dandruff, \* \* \* Contracted Muscles, all Pain and Inflammation. Directions—For Rheumatism, \* \* \* Aches, Pains, \* \* \* while swelling or pain lasts. \* \* \* for all \* \* \* injuries \* \* \* But it is rarely used on beasts full strength unless \* \* \* there is deep seated lameness. Remember always, that some injuries require stronger applications than others, \* \* \* For Sore Throat \* \* \* For Hair \* \* \* It \* \* \* prevents it from falling \* \* \* its equal in producing power of endurance and quick action of muscles is absolutely unknown to the athletic profession."

On January 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18945. Adulteration and misbranding of ether. U. S. v. Fifteen 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26303. I. S. No. 22069. S. No. 4617.)**

Examination of 10 cans of ether from the shipment herein described showed that peroxide, a decomposition product, was present in 4 of the cans examined, and that aldehyde was present in 1 can.

On April 28, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifteen 1-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the New York Quinine & Chemical Works, from Brooklyn, N. Y., on or about March 11, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading.